

1 Bryan Calvin Hamilton
 2 31019 Dorchester APT 280
 3 New Hudson, MI 48165
 4 248-880-1862
 5 ddelhamilton@aol.com

6 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN

7 Bryan Calvin Hamilton,
 8 Claimant,
 9 vs.
 10 Lafontaine Chevrolet, Inc.,
 11 Wrongdoer

Case: 2:22-cv-12944
 Judge: Leitman, Matthew F.
 MJ: Grey, Jonathan J.C.
 Filed: 12-05-2022 At 02:35 PM
 CMP HAMILTON v LAFONTAINE CHEVROLET
 , INC.

TORT CLAIM

12 Claimant Bryan Calvin Hamilton requests an Emergency Injunction be issued to
 13 Lafontaine Chevrolet, Inc., to stop the sale of the following automobile 2022 Chevrolet
 Silverado 1500, Vin Number #1GCUDJED4NZ559321 and states:

14 JURISDICTIONAL ALLEGATIONS

- 15 1. This court has jurisdiction pursuant to title 15 U.S. Code § 1692 k

16 GENERAL FACTUAL ALLEGATIONS

- 17 2. On 6th day of October Two-Thousand-Twenty-Two TIME: 11:00:00
 18 LAFONTAINE CHEVROLET, INC. was sent Notice of **RECISSION OF CONSUMER**
 19 **CREDIT TRANSACTION/ TERMINATION OF THIRD-PARTY AGREEMENT/**
 20 **ARRANGMENT.**
 21 3. LAFONTAINE CHEVROLET, INC. located at 7120 Dexter-Ann Arbor, Dexter
 22 Michigan 48130 and its agents and assigns is, has, and are in receipt of a
 23 "Notice of Rescission" from I, Bryan Calvin Hamilton as evidenced by the
 signed P.S. 3811 received by LAFONTAINE CHEVROLET, INC. on October 11th
 2022 signed by Deborah Fischhoff.
 24 4. As of Monday October 31st 2022, after executing my right of rescission on
 25 October 6th 2022, Time 11:00:00 I, Bryan Calvin Hamilton, Consumer/Natural
 26 Person have not received the following information from LAFONTAINE
 27 CHEVROLET, INC. nor its agents and assigns, the delivery of the information
 28 and rescission forms required together with a statement containing the
 material disclosures required. The creditor shall clearly and conspicuously
 disclose, in accordance with regulations of the Bureau, to any obligor in a

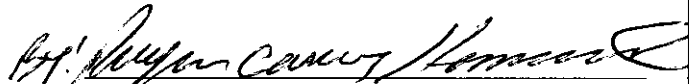
TORT CLAIM - 1

transaction the rights of the obligor. The creditor shall also provide, in accordance with regulations of the Bureau, appropriate forms for the obligor to exercise his right to rescind any transaction. Within 20 days after receipt of a notice of rescission, the creditor shall return to the obligor any money or property given as earnest money, down-payment, or otherwise, and shall take any action necessary or appropriate to reflect the termination of any security interest created under the transaction. As such pursuant to Congress If the creditor has delivered any property to the obligor, the obligor may retain possession of it. If the creditor does not take possession of the property within 20 days after tender by the obligor, ownership of the property vests in the obligor without obligation on his part to pay for it.

5. On Monday November 28th i: man: bryan: was caused harm by way of trespass by Lafontaine Chevrolet, Inc., by way of grand theft auto.
6. On Monday November 28th i: man: bryan: was caused harm by way of trespass by Lafontaine Chevrolet, Inc., by way of Fourth Amendment violation of the Constitution of the United States of America.
7. On Monday November 28th i: man: bryan: was caused harm by way of trespass by Lafontaine Chevrolet, Inc., by way of interference with trade and commerce by threats or violence.
8. On Monday November 28th i: man: bryan: was caused harm by way of trespass by Lafontaine Chevrolet, Inc., by way of identity theft.
9. On Monday November 28th i: man: bryan: was caused harm by way of trespass by Lafontaine Chevrolet, Inc., by way of theft of a financial instrument (credit card see 15 USC 1602 (l)).
10. As a direct and proximate result, the automobile valued at \$109,106.76 was stolen, and Claimant suffered money damages as a direct result.

WHEREFORE Bryan Calvin Hamilton Claimant demands judgement to be made whole by LAFONTAINE CHEVROLET, INC., by having my automobile returned immediately, removal of LAFONTAINE CHEVROLET from the title, together with such other and further relief as the Court may deem reasonable and just under the circumstances.

December Fifth, Two-Thousand-Twenty-Two



Bryan Calvin Hamilton
31019 Dorchester Apt 280
New Hudson, MI 48165

JS 44 (Rev. 10/20)

The JS 44 civil cover sheet and the information provided by local rules of court. This form, purpose of initiating the civil docket sheet.

Case 2:22-cv-12944

Judge: Leitman, Matthew F.

MJ: Grey, Jonathan J.C.

Filed: 12-05-2022 At 02:35 PM

CMP HAMILTON v LAFONTAINE CHEVROLET, INC.

City in which action arose: Washtenaw

35 or other papers as required by law, except as required for the use of the Clerk of Court for the

I. (a) **PLAINTIFFS** *Claimant*
Bryan Calvin Hamilton

DEFENDANTS *Wrongdoer*
LAFONTAINE CHEVROLET, INC

(b) County of Residence of First Listed Plaintiff Oakland
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Washtenaw
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 710 Fair Labor Standards Act		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 720 Labor/Management Relations		<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice		<input type="checkbox"/> 740 Railway Labor Act		<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 751 Family and Medical Leave Act		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 790 Other Labor Litigation		<input type="checkbox"/> 850 Securities/Commodities/Exchange
			<input type="checkbox"/> 791 Employee Retirement Income Security Act		<input type="checkbox"/> 861 HIA (1395ff)
					<input type="checkbox"/> 862 Black Lung (923)
					<input type="checkbox"/> 863 DIWC/DIWW (405(g))
					<input type="checkbox"/> 864 SSID Title XVI
					<input type="checkbox"/> 865 RSI (405(g))
					<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
					<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
					<input type="checkbox"/> 896 Arbitration
					<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
					<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 463 Alien Detainee			
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence			
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General			
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty			
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other			
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 555 Prison Condition			
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

title 15 U.S. Code § 1635

Brief description of cause:

Violation of title 15 U.S. Code § 1635 (b) Return of Money or Property Following Rescission

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
